

Exhibit 1

JONATHAN WAYNE BOTTEN SR., ET AL. vs STATE OF CALIFORNIA, ET AL.
Bernardo Rubalcava on 11/04/2024

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3

4 JONATHAN WAYNE BOTTEN, SR.; TANJA)
DUDEK-BOTTEN; ANNABELLE BOTTEN; and)
5 J.B., a minor by and through his)
guardian JONATHAN WAYNE BOTTEN, SR.,)

6)

Plaintiffs,)

7)

vs.)

8) Case No. 5:23-CV-00257-JGB-SHK

STATE OF CALIFORNIA; COUNTY OF SAN)

9 BERNARDINO; ISAIAH KEE; MICHAEL)

BLACKWOOD; BERNARDO RUBALCAVA; ROBERT)

10 VACCARI; JAKE ADAMS; and DOES 1-10,)

inclusive,)

11)

Defendants.)

12 _____)

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14

15

16 REMOTE VIDEOCONFERENCE DEPOSITION OF

17 BERNARDO RUBALCAVA

18 MONDAY, NOVEMBER 4, 2024

19

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21

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23 Reported Stenographically By:

24 Jinna Grace Kim, CSR No. 14151

25 Job No.: 112646

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1 shot?

2 A. I don't recall.

3 Q. In between your first shot and your last shot, did
4 you give any commands to Mr. Puga?

5 A. No.

6 Q. What was in your background when you were firing
7 your first group of shots at him?

8 A. It was dark.

9 Q. You were aware there was a residential
10 neighborhood?

11 A. I was not aware there were houses in the
12 background.

13 Q. Were you aware that there was a residential
14 neighborhood, though, that there were some homes somewhere in
15 the area?

16 A. Yes.

17 Q. You're just saying you were not aware specifically
18 there were houses in the background?

19 A. Correct.

20 Q. Were you trained that you have to -- you should
21 consider your background or backdrop when you fire?

22 A. Yes.

23 Q. And were you trained that the reason that's
24 important is because if your bullets miss, innocent people
25 could get shot?

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1 A. Yes.

2 Q. And do you know what your background was when you
3 fired your second group of shots?

4 A. Yes.

5 Q. What was it?

6 A. Just a roadway.

7 Q. Do you know now that your background when you fired
8 your first group of shots were some homes?

9 A. Yes.

10 Q. The vehicle that Mr. Puga was in, was it a white
11 vehicle?

12 A. Yes.

13 Q. Do you recall which way it was facing directionally
14 when it was in a stopped position?

15 A. Facing north.

16 Q. And then when you were firing, were you kind of
17 firing in a northeast direction for your first volley of
18 shots?

19 A. Yes.

20 Q. Do you know if any other officers were near you on
21 the driver's side of the vehicle when you fired your first
22 volley of shots?

23 A. Yes.

24 Q. What other officers were on the driver's side?

25 A. Sergeant Kee.

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1 CERTIFICATE

2 OF

3 CERTIFIED STENOGRAPHIC SHORTHAND REPORTER

4

5 I, JINNA GRACE KIM, CSR No. 14151, a Certified
6 Stenographic Shorthand Reporter of the State of California,
7 do hereby certify:

8 That the foregoing proceedings were taken before me
9 at the time and place herein set forth;

10 That any witnesses in the foregoing proceedings,
11 prior to testifying, were placed under oath;

12 That a verbatim record of the proceedings was made
13 by me, using machine shorthand, which was thereafter
14 transcribed under my direction;

15 Further, that the foregoing is an accurate
16 transcription thereof.

17 I further certify that I am neither financially
18 interested in the action, nor a relative or employee of any
19 attorney of any of the parties.

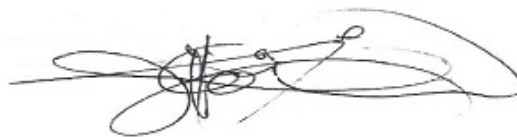
20

21 IN WITNESS WHEREOF, I have subscribed my name, this
22 date: November 4, 2024.

23

24

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Jinna Grace Kim, CSR No. 14151